

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

DARIUS PRINTUP,

Plaintiff,

vs.

VANIHTEL, et al.,

Defendants.

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NO. 2:22-cv-00098-JPH- MKK

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Vanihel, Leffler, Gilbert, and Lamb ("Defendants"), by counsel, submit their Motion for Summary Judgment and respectfully move the Court for Summary Judgment Pursuant to Federal Rule of Civil Procedure 56. In support of this Motion, Defendants state:

1. Plaintiff Darius Printup is an offender serving a sentence in the Indiana Department of Correction at Wabash Valley Correctional Facility ("WVCF").
2. Plaintiff filed his complaint on March 14, 2022, in which he alleged that Defendants violated his Eighth and First Amendment rights by placing him in a strip cell and removing his property on February 18, 2022. [See generally Dkt. 1].
3. Defendants are entitled to summary judgment because the conditions of Plaintiff's confinement were not sufficiently serious and Defendants were not deliberately indifferent to Plaintiff's health and safety. Further, Defendants are entitled to summary judgment on Plaintiff's First Amendment and RLUIPA claims because did not violate Plaintiff's First Amendment because they had a legitimate penological interest in removing Plaintiff's property and they did not place a substantial burden on Plaintiff's free exercise of religion.

4. In support of this Motion, Defendants submit a Designation of Evidence [Dkt. 37] and a Memorandum of Law in Support of Defendants' Motion for Summary Judgment [Dkt. 38].

WHEREFORE, Defendant respectfully requests that the Court grant their Motion for Summary Judgment, and for all other just and proper relief.

Respectfully submitted,

Date: June 8, 2023

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CERTIFICATE OF SERVICE

I certify that on June 8, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I further certify that on June 8, 2023, I mailed, by United States Postal Service, first-class postage prepaid, the document to the following non CM/ECF participants:

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